

y.w



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,132	11/05/2003	Dennis D. Bicker	1033-SS00355	6845

34456 7590 02/07/2005

TOLER & LARSON & ABEL L.L.P.  
5000 PLAZA ON THE LAKE STE 265  
AUSTIN, TX 78746

EXAMINER
----------

DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/702,132

Applicant(s)

BICKER ET AL.

Examiner

Pierre-Louis Desir

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/17/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore, Pub. No. US 2003/0039242.

Regarding claim 1, Moore discloses a method of forwarding a call from a mobile phone, the method comprising: determining that the mobile phone is within range of a wireless local area network base station with voice over internet protocol capability (i.e., the mobile handset is enabled to determine whether it is within range of the local network) (see page 2, paragraph 29 lines 9-10); receiving an internet protocol address associated with the wireless local area network base station (i.e., to enable the forwarding of telephone calls from the mobile telephone network to the VoIP telephone network, the handset may first request the telephone number of the VoIP gateway)(see page 2, paragraph 32, lines 1-4); sending a call forwarding message including the internet protocol address from the mobile phone to a remote cellular network element of a wide area cellular network (i.e., the handset sends a command to the mobile telephone network) (see page 2, paragraph 32, line 5).

Regarding claim 2, Moore discloses a method (see claim 1 rejection), wherein the cellular network redirects a call destined to the mobile phone to the wireless local area network base

Art Unit: 2681

station for communication with the mobile phone using the voice over Internet protocol (i.e., the mobile handset sends a command to the mobile telephone network instructing the mobile telephone network to forward incoming telephone calls to a telephone number of the VoIP gateway via the VoIP telephone network) (see page 3, paragraph 34, lines 3-8).

Regarding claim 5, Moore discloses a method (see claim 1 rejection), further comprising determining that the mobile phone has moved out of range of the wireless local area network base station and sending a message to the cellular network element to cancel call forwarding to the wireless local area network base station (i.e., the handset is enabled to determine whether it is within range of the local network. And, the forwarding of telephone calls may be disabled when the handset is outside the range of the local network) (see page 2, paragraphs 29, and 30).

Regarding claim 6, Moore discloses a method (see claim 1 rejection), wherein the wide area cellular network sends a call directly to the mobile phone over the cellular spectrum after the mobile phone has moved out of range of the wireless local area network base station (i.e., if the handset is outside of the range of the local network, data traffic may be routed to and from the handset via the mobile telephone network) (see page 2, paragraph 29, lines 13-15).

Regarding claim 7, Moore discloses a method (see claim 2 rejection), wherein the mobile phone and the wireless local area network base station communicate bidirectionally using the voice over Internet protocol (i.e., a VoIP gateway for the VoIP telephone network. A cable modem allows communication between the mobile handset and the VoIP telephone network. Also, data traffic may be routed to and from the handset via the VoIP telephone network) (see page 2, paragraph 29).

3. Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Reding et al. (Reding), Pub. No. 2004/0213212.

Regarding claim 14, Reding discloses a mobile phone comprising: a housing (see fig. 6-8); an antenna attached to the housing (see fig. 6-8); a wide area cellular communications module disposed within the housing, the wide area cellular communications module having a cellular interface to communicate with a remote wide area cellular network (i.e., transceiver) (see page 2, paragraph 26; and page 8, paragraphs 88 and 89); and a short-range wireless local area network module disposed within the housing, the short-range wireless local area network module having a wireless interface to communicate with a wireless local area network having voice over internet protocol communications capability (see page 8 paragraph 88).

Regarding claim 15, Reding discloses a mobile phone (see claim 14 rejection), wherein the wide area cellular communications module and the short-range wireless local area network module are computer software modules integrated within a digital processor device (i.e., Bluetooth-enabled device) (see page 8, paragraph 89).

Regarding claim 16, Reding discloses a mobile phone (see claim 15 rejection) further comprising a memory (inherent) coupled to the digital processor device, the memory storing an Internet protocol address received by the mobile phone from the wireless local area network (see page 4, paragraphs 87 and 88).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2681

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Reding et al. (Reding), Pub. No. 2004/0213212.

Regarding claim 3, Moore discloses a method as described above (see claim 1 rejection).

Although Moore discloses a method as described, Moore fails to specifically disclose a method, wherein the mobile phone determines that it is in range of the wireless local area network by receiving a message in accordance with the 802.11 communication protocol.

However, Reding discloses a method for call forwarding (see abstract), in which the system is capable of receiving an indication, which indicates that a first wireless device has entered or left the vicinity or range of a second wireless device, wherein the indication may be accomplished by using a protocol such as the IEEE 802.11(b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings, which are analogous, to arrive at the claimed invention. A motivation for doing so would have been to allow wireless comparability comparable to Ethernet.

Regarding claim 4, Moore discloses a method as described above (see claim 1 rejection).

Although Moore discloses a method as described, Moore fails to specifically disclose a method, wherein the Internet protocol address is communicated to the mobile phone using the dynamic host configuration protocol.

However, Reding discloses a method for call forwarding (see abstract), wherein a storage module includes program code and information for user terminal to communicate with service center. Storage module may include configuration information, such as a Dynamic Host Configuration Protocol (DHCP) configuration (see page 3, paragraph 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. A motivation for doing so would have been to reduce the work necessary to administer an IP network, as related to the distribution of the IP address.

Regarding claim 8, Moore discloses a method of communicating from a wireless local area base station to a mobile phone (see abstract), the method comprising: determining that the mobile phone is within range of the wireless local area network base station, the wireless local area network base station having voice over internet protocol communications capability (i.e., the mobile handset is enabled to determine whether it is within range of the local network) (see page 2, paragraph 29 lines 9-10); retrieving an internet protocol address associated with the wireless local area network base station from a memory (i.e., to enable the forwarding of telephone calls from the mobile telephone network to the VoIP telephone network, the handset may first request the telephone number of the VoIP gateway)(see page 2, paragraph 32, lines 1-4); and sending the internet protocol address to the mobile phone over a wireless fidelity communication link (i.e., wireless network) (see page 2, paragraph 32, lines 5-8).

Although Moore discloses a method as described above, Moore fails to specifically disclose a method comprising retrieving an optional port number associated with the wireless

Art Unit: 2681

local area network base station, and sending the optional port number over a wireless fidelity communication link.

However, Reding discloses a method of communicating from a wireless local area base station to a mobile phone, wherein a network interface provides a communications interface between user terminal and data network. The network interface may receive and transmit communications for user terminal. The network interface may be a local area network port, or a wireless data port (see page 3, paragraph 37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. A motivation for doing so would have been to insure the authentication of the communication process.

Regarding claim 9, Moore discloses a method (see claim 8 rejection), further comprising receiving a call from a wide area network, the call directed to the mobile phone at the internet protocol address and the optional port number of the VoIP provider (i.e., the mobile handset sends a command to the mobile telephone network instructing the mobile telephone network to forward incoming telephone calls to a telephone number of the VoIP gateway via the VoIP telephone network) (see page 3, paragraph 34, lines 3-8).

Although Moore discloses a method as described above, Moore fails to specifically disclose a method comprising an optional port number of the VoIP provider where the call may be directed.

However, Reding discloses a method of communicating from a wireless local area base station to a mobile phone, wherein a network interface, which may provide a communications



Art Unit: 2681

interface between user terminal and data network, may be a local area network port, or a wireless data port (see page 3, paragraph 37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as disclosed by Moore with the teachings as disclosed by Reding to arrive at the claimed invention. A motivation to do so would have been to insure the authentication of the communication process

Regarding claim 10, Moore discloses a method as disclosed above (see claim 9 rejection).

Although Moore discloses a method as described above, Moore fails to specifically disclose a method, wherein the wide area network is a distributed computer network.

However, Reding discloses a method of communicating from a wireless local area base station to a mobile phone, wherein the wide area network is a distributed computer network (i.e., a network which consist of clients and servers connected in such a way that any system can potentially communicate with any other system) (see page 2, paragraph 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as disclosed by Moore with the teachings as disclosed by Reding to arrive at the claimed invention. A motivation to do so would have been to distribute processing to inexpensive system, and to relieve servers of many tasks.

Regarding claim 11, Moore discloses a method (see claims 8, 9 rejections), wherein the wide area network includes a high speed wired communication channel (see page 2, paragraph 30).

Art Unit: 2681

Regarding claim 12, Moore discloses a method (see claims 8, 9, and 11 rejections), wherein the high speed wired communication channel is a digital subscriber line connection (i.e., Broadband connection) (see page 3, paragraph 38).

Regarding claim 13, Moore discloses a method (see claims 8 rejection), further comprising establishing a bidirectional communication path between the wireless local area network base station and the mobile phone and communicating using voice over internet protocol over the bidirectional communication path (i.e., a VoIP gateway for the VoIP telephone network. A cable modem allows communication between the mobile handset and the VoIP telephone network. Also, data traffic may be routed to and from the handset via the VoIP telephone network) (see page 2, paragraph 29).

6. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reding in view of Moore.

Regarding claim 17, Reding discloses a mobile phone as described above (see claim 15 rejection).

Although Reding discloses a mobile phone comprising of a memory (inherent), Reding fails to disclose a mobile phone, wherein the wide area cellular communication module formulates a call forwarding message that includes the internet protocol address, the call forwarding message to be communicated to the remote wide area cellular network.

However, Moore discloses a disclose a mobile phone (i.e. mobile handset), wherein the wide area cellular communication module formulates a call forwarding message that includes the internet protocol address, the call forwarding message to be communicated to the remote wide

Art Unit: 2681

area cellular network (i.e., the mobile handset sends a command to the mobile telephone network instructing the mobile telephone network to forward incoming telephone calls to a telephone number of the VoIP gateway via the VoIP telephone network) (see page 3, paragraph 34, lines 3-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. A motivation to do so would have been to insure the authentication of the communication process.

Regarding claim 18, Reding discloses a mobile phone as described above (see claim 15 rejection).

Although Reding discloses a mobile phone as described above, Reding fails to specifically disclose a mobile phone device, wherein the wide area cellular communication module formulates a message to cancel the previously communicated call forwarding message to be sent to the remote wide area cellular network.

However, Moore discloses mobile phone device, wherein the wide area cellular communication module formulates a message to cancel the previously communicated call forwarding message to be sent to the remote wide area cellular network (i.e., the handset is enabled to determine whether it is within range of the local network. And, the forwarding of telephone calls may be disabled when the handset is outside the range of the local network) (see page 2, paragraphs 29, and 30).


Art Unit: 2681

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312. The examiner can normally be reached on 0800-1630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L Moise can be reached on (703)306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pierre-Louis Desir  
02/03/2005  
AU 2681

**JEAN GELIN  
PRIMARY EXAMINER**

